

Message

From: Matthew Culpo [MCULPO@helenamt.gov]
Sent: 8/3/2020 7:24:48 PM
To: Garcia, Al [garcia.al@epa.gov]; Llamozas, Emilio [Llamozas.Emilio@epa.gov]; Hanson, Robyn [Hanson.Robyn@epa.gov]
CC: Mark Fitzwater [mfitzwater@helenamt.gov]; Phil Hauck [PHAUCK@helenamt.gov]; Thomas Jodoin [TJODOIN@helenamt.gov]
Subject: FW: City of Helena Pretreatment Ordinance
Attachments: Industrial Wastewater Regulations (showing changes in final format).docx; 11-4-19.pdf; 11-18-19.pdf

Hi Al,

Attached are the requested documents for the City of Helena's Industrial Waste Pre-Treatment Ordinance. As stated below: City's codifier informs the City Clerk it will be 3-4 weeks before Ordinance No. 3265 is codified.

I believe this satisfies all the items requested by EPA related to the Industrial Pre-Treatment Ordinance. Please let me know if this item is approved or if additional information is needed.

Thank you,

Matt Culpo, P.E.
Civil Engineer
City of Helena
316 North Park Avenue
City-County Building, Room 413
Ph: 406-447-8073
Cell: 406-422-6147
mculpo@helenamt.gov

From: Thomas Jodoin <TJODOIN@helenamt.gov>
Sent: Monday, August 3, 2020 11:52 AM
To: Matthew Culpo <MCULPO@helenamt.gov>
Cc: Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; Ryan Leland <RLELAND@helenamt.gov>
Subject: RE: City of Helena Pretreatment Ordinance

Matt,

Attached is a copy of the modified legal authority that shows all changes as they will look in final format. City's codifier informs the City Clerk it will be 3-4 weeks before Ordinance No. 3265 is codified.

From: Garcia, Al <garcia.al@epa.gov>
Sent: Friday, July 31, 2020 1:52 PM
To: Thomas Jodoin <TJODOIN@helenamt.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Hanson, Robyn <Hanson.Robyn@epa.gov>
Cc: Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; DeJong, Stephanie <DeJong.Stephanie@epa.gov>
Subject: RE: City of Helena Pretreatment Ordinance

Hello Thomas,

Based on my review of your formal submittal through a July 27, 2020 email, the attorney's statement and statement of basis are adequate. However, after reviewing the link you provided below, please revise your formal submittal to include the Pending Ordinance No. 3265 that shows the approval from the Helena City Council and as stated in item #4 of the June 17, 2019 email, a copy of the legal authority (municipal ordinance) that shows all changes as they will look in final format.

In addition, do you have a timeframe on when the formal codification to incorporate Ordinance 3265 will occur? Please contact me if you have any further questions.

Thank you,

Al Garcia

Pretreatment Coordinator
USEPA Region 8; 8WD-CWW
1595 Wynkoop
Denver, CO 80202

garcia.al@epa.gov
303.312.6382

From: Thomas Jodoin <TJODOIN@helenamt.gov>
Sent: Friday, July 31, 2020 12:24 PM
To: Garcia, Al <garcia.al@epa.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Hanson, Robyn <Hanson.Robyn@epa.gov>
Cc: Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; DeJong, Stephanie <DeJong.Stephanie@epa.gov>
Subject: RE: City of Helena Pretreatment Ordinance

Al—

Thanks for the review. I apologize for the confusion. The City of Helena's codifier has apparently not completed the formal codification of the changes shown by Ordinance 3265. The following link shows the final format:
https://codelibrary.amlegal.com/codes/helenamt/latest/helena_mt/0-0-0-6702

Let me know if I should revise the submission to formalize your review.

From: Garcia, Al <garcia.al@epa.gov>
Sent: Friday, July 31, 2020 11:50 AM
To: Matthew Culpo <MCULPO@helenamt.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Hanson, Robyn <Hanson.Robyn@epa.gov>
Cc: Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; Thomas Jodoin <TJODOIN@helenamt.gov>; DeJong, Stephanie <DeJong.Stephanie@epa.gov>
Subject: RE: City of Helena Pretreatment Ordinance

Hello Matt,

As you recall, the draft ordinance modification submitted on April 15, 2019 was considered "approvable" by the EPA. The City was required to submit the final submittal of the ordinance modification after the 1st City Council reading for approval by the EPA (attached 06/17/19 email).

The City provided a final submittal of the ordinance modifications on July 27, 2020; the final submitted included the following documents:

- Attorneys Statement
- Draft Modified Legal Authority (Ordinance 3265)
- Statement of Basis
- Title 6, Chapter 4 of Helena City Code, Industrial Wastewater Regulations (“a copy of the draft legal authority showing all changes as they will look in final format”)

The EPA reviewed the final submittal documents to ensure that there were no changes from the draft submittal. The Draft Modified Legal Authority (Ordinance 3265) submitted on July 27, 2020 and attached is identical to the April 15, 2019 draft document the EPA considered approvable. However, the ordinance (Title 6, Chapter 4 of Helena City Code, Industrial Wastewater Regulations) approved by the Helena City Council and submitted as final does not incorporate the approvable modifications in the Draft Modified Legal Authority (Ordinance 3265) document.

The modifications not incorporated into the final ordinance are identified in the attached Title 6, Chapter 4 of Helena City Code, Industrial Wastewater Regulations-EPA Comments and are summarized below:

- Table of Contents; 6-4-20 – Immediate Enforcement is not incorporated in the Heading,
- 6-4-4: Definitions
 - Significant Industrial User – ~~wastewater~~ user needs to be replaced with **industrial** user in the definition,
- 6-54-5(C)(11): Prohibitions
 - The existing prohibition needs to be replaced with the following language: **“POLLUTANTS WHICH RESULT IN THE PRESENCE OF TOXIC GASES, VAPORS, OR FUMES WITHIN THE POTW IN A QUANTITY THAT MAY CAUSE ACUTE WORKER HEALTH AND SAFETY PROBLEMS “**
- 6-4-7: Preemption by State or Federal Standards Unless City Standards more Stringent
 - The following language needs to be incorporated: **“C. BEST MANAGEMENT PRACTICES ARE LOCAL LIMITS AND PRETREATMENT STANDARDS FOR THE PURPOSES OF THIS CHAPTER AND SECTION 307(D) OF THE ACT. “**
- 6-4-20: Suspension and Revocation of Permit:
 - The following language needs to be incorporated: **“F. THE DEPARTMENT HAS THE AUTHORITY, AFTER INFORMAL NOTICE TO THE DISCHARGE, TO IMMEDIATELY AND EFFECTIVELY HALT OR PREVENT ANY DISCHARGE OF POLLUTANTS TO THE POTW WHICH REASONABLY APPEARS TO PRESENT AN IMMINENT ENDANGERMENT TO THE HEALTH OR WELFARE OF PERSONS. THE DEPARTMENT ALSO HAS THE AUTHORITY AFTER NOTICE TO THE AFFECTED INDUSTRIAL USERS AND AN OPPORTUNITY TO RESPOND, TO HALT OR PREVENT ANY DISCHARGE TO THE POTW WHICH PRESENTS, OR MAY PRESENT AN ENDANGERMENT TO THE ENVIRONMENT OR WHICH THREATENS TO INTERFERE WITH THE OPERATION OF THE POTW.”**

I cannot recommend my management approve the ordinance modification because the final ordinance approved by the City of Helena City Council and submitted as final does not incorporate all changes identified above. The City needs to ensure the final ordinance incorporates the modifications identified in the April 15, 2019 draft legal authority as approvable by the EPA.

Please contact me if you have any questions,

Al Garcia

Pretreatment Coordinator
USEPA Region 8; 8WD-CWW
1595 Wynkoop
Denver, CO 80202

garcia.al@epa.gov
303.312.6382

From: Matthew Culpo <MCULPO@helenamt.gov>

Sent: Monday, July 27, 2020 8:53 AM

To: Garcia, Al <garcia.al@epa.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Hanson, Robyn <Hanson.Robyn@epa.gov>

Cc: Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; Thomas Jodoin <TJODOIN@helenamt.gov>

Subject: City of Helena Pretreatment Ordinance

Good morning Al,

Here are the responsive materials related to the pretreatment ordinance due to the EPA by September 1, 2020:

1. A statement of basis.
 - a. Attorneys statement
 - b. Copy of draft modified legal authority (Ordinance 3265)
 - c. Title 6, Chapter 4 of Helena City Code, Industrial Wastewater Regulations ("a copy of the draft legal authority showing all changes as they will look in final format")

Matt Culpo, P.E.
Civil Engineer
City of Helena
316 North Park Avenue
City-County Building, Room 413
Ph: 406-447-8073
Cell: 406-422-6147
mculpo@helenamt.gov